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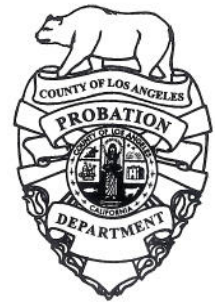


DONALD H. BLEVINS
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY — DOWNEY, CALIFORNIA 90242

(562) 940-2501



July 30, 2010

To: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From:  Donald H. Blevins
Chief Probation Officer

Subject: **RESPONSE TO THE SPECIAL REPORT ISSUED BY THE OFFICE OF
INDEPENDENT REVIEW STATUS REPORT – (ITEM NO. 2, AGENDA
OF JUNE 29, 2010)**

On June 29, 2010, on motion of Supervisors Antonovich and Knabe, the Board directed the Chief Probation Officer to work with the Office of Independent Review (OIR), the Auditor-Controller, County Counsel, and the Chief Executive Officer to 1) Identify, investigate and discipline past and present employees, regardless of rank, who were responsible for the egregious failures identified in the OIR's report dated June 2, 2010, as well as by the Auditor-Controller; 2) Immediately identify cases of recent employee arrests and/or other misconduct to ensure that those cases do not similarly fall through the cracks but instead get thoroughly investigated followed by proper discipline; and 3) Report the results of these actions in the response to the OIR's report.

We have reviewed the OIR's June 2, 2010 Special Report and basically agree with all the recommendations. We are preparing a response to each recommendation. However, additional time will be necessary to complete our responses to the recommendations and provide for a thorough clearance process by the Auditor-Controller, County Counsel, and the Chief Executive Office. We anticipate submitting the report to your Board by August 13, 2010.

Please contact me if you have any questions or require additional information, or your staff may contact Cal Remington, Chief Deputy, at (562) 940-2851.

DHB:gj

c: Executive Officer, Board of Supervisors
Chief Executive Officer
County Counsel
Auditor-Controller

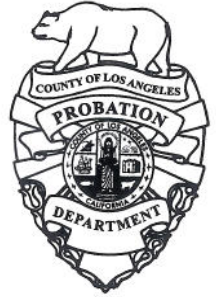


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Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT


9150 EAST IMPERIAL HIGHWAY — DOWNEY, CALIFORNIA 90242

(562) 940-2501



August 13, 2010

To: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From:  Donald H. Blevins
Chief Probation Officer

Subject: **RESPONSE TO THE SPECIAL REPORT ISSUED BY THE OFFICE OF
INDEPENDENT REVIEW – SECOND STATUS REPORT – (ITEM NO. 2,
AGENDA OF JUNE 29, 2010)**

On June 29, 2010, on motion of Supervisors Antonovich and Knabe, the Board directed the Chief Probation Officer to work with the Office of Independent Review (OIR), the Auditor-Controller, County Counsel, and the Chief Executive Officer to 1) Identify, investigate and discipline past and present employees, regardless of rank, who were responsible for the egregious failures identified in the OIR's report dated June 2, 2010, as well as by the Auditor-Controller; 2) Immediately identify cases of recent employee arrests and/or other misconduct to ensure that those cases do not similarly fall through the cracks, but instead, get thoroughly investigated followed by proper discipline; and 3) Report the results of these actions in the response to the OIR's report.

On July 30, 2010, we provided a status report to your Board indicating that we have reviewed the OIR's June 2, 2010 Special Report and basically agree with all the recommendations. However, additional time, beyond our August 13, 2010 anticipated completion date, is necessary to allow for a thorough review of the draft report by the Auditor-Controller, County Counsel, and the Chief Executive Office and for the Probation Department to review the input and finalize the report. Consequently, we will submit the final report to your Board no later than September 15, 2010.

Please contact me if you have any questions or require additional information, or your staff may contact Cal Remington, Chief Deputy, at (562) 940-2851.

DHB:CCR:sw

c: Executive Officer, Board of Supervisors
Chief Executive Officer
County Counsel
Auditor-Controller



COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY – DOWNEY, CALIFORNIA 90242
(562) 940-2501



DONALD H. BLEVINS
Chief Probation Officer

September 10, 2010

To: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From:  Donald H. Blevins
Chief Probation Officer

Subject: **RESPONSE TO THE SPECIAL REPORT ISSUED BY THE OFFICE OF
INDEPENDENT REVIEW (ITEM NO. 2, AGENDA OF JUNE 29, 2010)**

On June 29, 2010, on motion of Supervisors Antonovich and Knabe, the Board directed the Chief Probation Officer to work with the Office of Independent Review (OIR), the Auditor-Controller, County Counsel, and the Chief Executive Officer to 1) Identify, investigate and discipline past and present employees, regardless of rank, who were responsible for the egregious failures identified in the OIR's report dated June 2, 2010, as well as by the Auditor-Controller; 2) Immediately identify cases of recent employee arrests and/or other misconduct to ensure that those cases do not similarly fall through the cracks but instead get thoroughly investigated followed by proper discipline; and 3) Report the results of these actions in the response to the OIR's report.

The attached response provides the Probation Department's responses to the requested information and to the recommendations included in the OIR's June 2, 2010 report except for disciplinary actions that have been or are in the process of being taken by the Department.

Identification, Investigation and Discipline of Past and Present Employees

Since personnel matters are involved with the identification, investigation and discipline of past and present employees who were responsible for the egregious failures identified in the OIR's report as well as by the Auditor-Controller, the Office of the County Counsel will provide a response to your Board under separate cover.

Probation's Response to Office of Independent Review's Recommendations

The Probation Department has reviewed the OIR's June 2, 2010 Special Report and generally agrees with the recommendations. The Probation Department worked with the Chief Executive Office, the Office of Independent Review, County Counsel, and the Department of Human Resources in developing their corrective action plans and the written response to the OIR's report; the response addresses each recommendation in the OIR Special Report. All departments have reviewed and concur with the attached response.

The Department plans to establish a Professional Standards Division through the reorganization of the Department's investigative units and the Staff Training Office. This model is similar to most other law enforcement agencies and is key to the corrective action plans developed.

The Probation Department will provide your Board with quarterly status reports on the progress of the status of implementing the recommendations.

Please contact me if you have any questions or require additional information, or your staff may contact Cal Remington, Chief Deputy, at (562) 940-2851.

DHB:CCR:yb

Attachment

c: Executive Office, Board of Supervisors
Chief Executive Office
County Counsel
Auditor-Controller
Department of Human Resources
Office of Independent Review

Cover Memo Response to Special Report_091010

PROBATION DEPARTMENT'S RESPONSE TO THE SPECIAL REPORT ISSUED BY THE OFFICE OF INDEPENDENT REVIEW

Creation of a Professional Standards Division

The creation of a Professional Standards Division is key to implementing the corrective action associated with various Office of Independent Review (OIR) recommendations. Currently, the Department's Internal Affairs (IA), Child Abuse Special Investigation Unit (CASIU), the Arrest Desk, Performance Management (PM), the Staff Training Office, Affirmative Action Compliance Unit, and Background Investigations are separate units under various managers. Under the proposed management restructure, all such units will be integrated within the Professional Standards Division.

Currently, the tracking of departmental investigations is handled under a combined centralized and decentralized model, i.e. through IA/CASIU or by bureaus, respectively. The new Division will be informed of all potential investigations, will make the determinations of what matters are to be investigated and who is to handle the investigation, and will be responsible for providing centralized tracking and oversight of all investigations through the imposition of any appropriate discipline. Consequently, this centralized model is necessary to ensure a more timely and accountable workflow of case handling through the various units and better coordination and communication between the units.

The Office of Independent Review will provide consultation services during the development of the Division, its processes, and procedures that will be implemented, and will provide ongoing oversight. Upon the establishment of the proposed Professional Standards Division, details on many of the planned changes to process, procedures and policy outlined in this response will be more fully developed and implemented.

The Department will work with the Chief Executive Office (CEO) to develop an appropriate structure for the new division, develop a recommended staffing plan, and identify any resources needed for the creation of the division. The Department has had initial discussions with the CEO, and anticipates the completion of a recommended plan for the new division by October 30, 2010.

Recommendation 1 – Establish a unified case tracking system for all misconduct investigations.

Department Response: Agree.

- The Department will develop one electronic tracking system to track all Departmental investigations. Probation's Information Systems Bureau (ISB) will design a database, or identify an existing database or off-the-shelf product that can be used to meet the needs of the Department as defined in the OIR report.

The goal is to have a system that allows the Professional Standards Division to control, monitor and manage all Departmental investigations from inception through imposition of discipline where appropriate, and to have a centralized system for all data elements from all internal investigations. Investigative data from all investigative units in the newly formed Professional Standards Division, such as the Child Abuse Special Investigations Unit (CASIU), Internal Affairs (IA), Affirmative Action (AA), Arrest Desk (AD) and information from investigations being conducted in the field by Bureaus will be input into the new electronic case tracking system. Controls will be developed and implemented to ensure that the data remains confidential.

- As a temporary measure, a combined case tracking system has been developed for the IA/CASIU cases. This temporary tracking system will be utilized until a departmentwide system for all investigations has been fully implemented.
- Within 120 days from the establishment of the Professional Standards Division ISB will work with the new division manager to identify system requirements and desirable system options, and will make a determination whether an off-the-shelf product exists that meets the needs of the Department or whether development of a new application will be needed; based on that determination an implementation plan with a timeline for key milestones will be developed.

Recommendation 2 – Assign responsibility of case tracking and management to one entity with authority to ensure timely completion of cases.

Department Response: Agree.

- This responsibility will be under the newly created Professional Standards Division. Case tracking and management will be centralized under one supervisor who will be tasked with ensuring that investigations are completed within a 120-day timeframe. Investigations that would require more than 120 days to complete must be well documented and the request for extension justified and pre-approved by a higher level manager.
- Centralized oversight of Departmental investigations by the Professional Standards Division will ensure compliance with the time limitations imposed by the Peace Officer Bill of Rights with regard to investigations of peace officers.
- The new Professional Standards Division management will be responsible for developing new process and procedures with defined deadlines for the Performance Management Unit to initiate appropriate disciplinary actions on completed investigations with substantiated allegations of misconduct. They will also assume the responsibility for compliance with the new processes, procedures and timeliness of imposition of discipline.

- The Department will work with the Chief Executive Office (CEO) to obtain approval for the structure of the new Professional Standards Division and will determine any resources needed for this new division by the end of October 2010. Upon approval of the new structure and identification of any needed resources, the Department will immediately begin the recruitment and selection process to fill the approved budgeted positions.

Recommendation 3 – Facilitate investigator access to case results and other feedback.

Department Response: Agree.

- The new Professional Standards Division will hold round-table meetings consisting of Internal Investigations Office, Performance Management Office and Staff Training Office managers that will meet monthly, or as-needed, to review case outcomes and provide training to the investigative staff to ensure lessons are learned from unsuccessful cases. This will ensure that there is an appropriate feedback loop to assist investigators and managers by bringing forth issues that can be addressed by individual investigators as well as the entire unit.
- When investigative or performance issues that can be addressed or improved upon through training are identified through observed trends, this information can be utilized by the Staff Training Office and quickly incorporated into planned training. Trended issues can include both the handling of investigations and the performance of employees identified during the investigations.
- This recommendation will be implemented upon the establishment of the Professional Standards Division.

Recommendation 4 – Provide an experienced review mechanism to ensure thorough and objective investigations.

Department Response: Agree.

- In May 2010, the Department reallocated one existing supervisor with law enforcement and investigative experience to begin the review process of investigations handled by IA and CASIU. The review process will assess the completeness and thoroughness of the investigation prior to completion of the investigative report.
- As stated in response to Recommendation 2 above, the Department will work with CEO to identify any resources needed and to obtain approval of the new division structure in order to supplement the actions already taken by the Department to address this recommendation.

Recommendation 5 – Provide adequate focused training.

Department Response: Agree.

- Moving the Staff Training Office into the new structure for a Professional Standards Division will allow for focused, timely training of investigative staff based on trends and will allow for a quick response to the observed investigative issues/trends that can be addressed through training. In addition, trends or issues identified during investigations that warrant additional training for Departmental staff and/or managers will be identified and provided to the Staff Training Office for incorporation into their planned training.
- The Department will work with the CEO to review the appropriate classifications of staff assigned investigative responsibility in the Professional Standards Division, specifically including assigning sworn staff to this function to enhance the quality and accuracy of investigation work. Additionally, by allocating sworn officers into the Internal Investigations Office, a State funding stream becomes available for training.
- The Department will enter into an agreement(s) with the Los Angeles County Sheriff's Department, other approved vendors, and/or local colleges to ensure that specific, relevant focused training is provided to all staff who conduct internal investigations.
- Investigators will be trained as subject matter experts in the areas of interviewing, gathering evidence, the Peace Officer Bill of Rights, and they will be required to stay current with relevant case law. Certain investigators will be trained to become specialists in key areas, such as criminal street gangs and narcotics, to ensure that they are kept current on the latest information related to these specialized areas. The Staff Training Office will also work with local law enforcement agencies to identify training opportunities in best investigative practices as well as specific training tailored to internal investigations.
- Upon the filling of the investigative positions within the Professional Standards Division, a specific training plan will be developed for each investigative staff member; areas each staff member will be assigned to will be identified and a training plan developed to achieve the goals of this plan.
- The Auditor-Controller Office of County Investigations is offering Countywide training on County fraud and misconduct investigations. Pending the creation of the Professional Standards Unit and the development of individual training plans for investigators, the Department has made arrangements with the Auditor-Controller for the above training to be offered on four occasions for Probation employees; the training will be mandated for Probation staff or managers who are currently, or who are planned to be, assigned to conduct these type of investigations in the Probation Department. The purpose of the training is to

promote standardization and consistency in County fraud and misconduct investigations consistent with County standards; for investigation best practices for the benefit of all investigative and internal affairs units; and establish periodic round table meetings to discuss problems and exchange investigative tips, ideas, etc. The training is being provided during the months of September 2010 through November 2010.

Recommendation 6 – Eliminate the affidavit procedure with minors.

Department Response: Generally agree.

- As reflected in the OIR report, under the current investigative process minors are sometimes asked for repeated written affidavits as the investigation proceeds through various stages to completion. The Department agrees that minors should not be asked to complete duplicative affidavits based on a standard process as investigations are being conducted. In addition to this not being a necessary process, it could potentially jeopardize the integrity of an internal investigation.
- A new procedure will be developed and implemented to ensure that minors who make allegations of staff misconduct, as well as minors who are potential witnesses in cases, are not subjected to repeated requests for written affidavits. Minors will be requested to provide written affidavits to gather information on issues at the time of their interview by the Professional Standards Division investigative staff, and the practice of facility staff requesting a written affidavit prior to the investigative staff will be eliminated as a standard practice. Facility (juvenile halls/camps) staff will only request minors to provide affidavits if directed to by the investigative staff under unique circumstances. The new procedures will be developed and implemented by no later than October 30, 2010.
- The Professional Standards Division investigators will continue to respond to the report of misconduct against minors in custody no later than the next business day. The investigators currently conduct audio recorded interviews of alleged minor victims and witnesses.
- The Department will conduct an analysis on the feasibility of expanding our practice to include video recording of interviews, and utilizing video recorded statements in place of the affidavit process currently used the department; the analysis will include both physical/space and financial requirements for video recording capability. This analysis will be completed within 60 days of the establishment of the Professional Standards Division.

Recommendation 7 – Uphold a consistent principle of accountability and base line standards of integrity.

Department Response: Agree.

- With the new model of the Professional Standards Division, which includes the Staff Training Office, annual and as-needed training on ethics and integrity will be provided to all Departmental staff. All Departmental staff, beginning at the top levels of management, shall be held accountable for their conduct, including truthfulness in written and verbal reports. Beginning with their initial training classes, the concept of ethical and lawful conduct will be strongly emphasized. Staff will be reminded that a “code of silence” or indifference to any unlawful or inappropriate conduct will not be tolerated and all misconduct must be reported.
- A training plan, which includes a training timeline for implementation, will be developed by November 30, 2010.

Recommendation 8 – Refer unsubstantiated cases for review and tracking.

Department Response: Agree.

- Upon establishment of the Professional Standards Division, new processes and procedures which are currently being developed will be implemented requiring all investigations, whether substantiated or not, to be included in the oversight and review processes of the investigative unit.
- All cases, regardless of findings, will be reviewed for timeliness, thoroughness and accuracy by the Professional Standards Division, and a finalized report returned to the appropriate Bureau Chief. This will ensure that investigations are appropriately and completely handled and in instances where issues are identified, corrective training and/or action can immediately be taken.
- The new Professional Standards Division will develop and implement processes and procedures with specific timelines for the review of all completed investigations.
- This recommendation will be implemented within 60 days of the establishment of the Professional Standards Division.

Recommendation 9 – Devise ways to incentivize Probation Department employees to aspire to conduct internal investigations.

Department Response: Agree.

- Beginning with the creation of the Professional Standards Division, the Department will work to communicate the commitment of executive management

and to reinforce the importance of proper and complete investigations of all alleged incidents.

- By changing the allocation of staffing assigned to the Professional Standards Division to sworn officers with experience in operational functions, Departmental staff assigned to operational areas will have more confidence in discussing the work environment, incidents that have occurred, etc. with investigators they believe understand the situations and culture in which they work. The Department believes this will be critical in changing the perception of the work conducted by the investigation unit and the staff's willingness to openly and honestly participate in Departmental investigations.
- Additionally, as the Department's recruitment strategy will be to identify and select new investigative staff who uphold and display the highest standards of conduct, the professionalism and work ethic of the sworn investigative staff will contribute to the staff's belief in the validity of the investigative process and the Department's commitment to identifying staff misconduct and holding these staff accountable for their actions.
- The Department will prioritize the work of this unit through various methods, including ensuring adequate resources to investigative staff such as a secure workspace, job specific training, and adequate investigatory tools and equipment. This commitment to the goals of the Professional Standards Unit will further make the positions more attractive to the most qualified candidates.
- With creation of the new division, qualified and exceptional personnel will be provided a career path to promote within the investigative area, thereby allowing the Department to create and maintain a workforce with specialized and advanced experience in the investigative functions. Department management will hold these staff accountable to a high standard of job performance and conduct.
- The implementation of these corrective actions has already begun. Executive management has been conveying its support of the function of this unit through its chain of command and a centralized space for investigative staff was identified and staff moved into the integrated space. Upon approval of a structure and staff allocation for the new division, the space will be re-evaluated for any needed changes. Upon staffing of the new division, the new management will be given the opportunity to evaluate and present its resource needs to executive management.

Recommendation 10 – Consider merging Child Abuse Special Investigation Unit with the Internal Affairs Unit.

Department Response: Agree.

- The Child Abuse Special Investigation Unit has been merged with the Internal Affairs Unit. As noted above, a central space at Downey headquarters was identified and allocated to house both of the units in one combined location. The new combined space has allowed the units to begin sharing resources and has provided a more structured environment for supervisors and managers.
- Implementation of this recommendation has been completed on a temporary basis and will be finalized upon establishment of the Professional Standards Division. The manager of the CASIU has temporarily assumed the duties of manager for the combined IA, CASIU and OAAC units, and will continue this oversight until a new structure for a Professional Standards Division has been approved and the recruitment and selection process completed. Upon the completion of the establishment of the new Professional Standards Division the space allocation will be reviewed to ensure it is still the appropriate space for the new structure.

Recommendation 11 – Improve availability of video evidence.

Department Response: Agree.

- The expanded use of video equipment to record activities within Probation juvenile halls will be utilized to determine whether misconduct occurred as well as act as a deterrent to staff as their actions and behavior with minors will be monitored and recorded beyond the current videotaping capacity. The current project is focusing on juvenile halls, with a later planned focus on camps.
- The Security Enhancement Project (Project) is currently underway; the Department of Public Works (DPW) under direction from CEO's Capital Projects is evaluating and developing a plan to expand the current video recording capabilities by installing and maintaining additional video recording equipment in critical areas of the juvenile halls.
- The Project is currently in the Feasibility Study Phase and is expected to be completed by the end of September 2010. In this phase, DPW will be validating scopes of work, producing cost estimates and projecting schedules.
- At the conclusion of the Feasibility Study, DPW, CEO and Probation Department will meet to review the evaluated scopes, establish priorities the scopes based on the field inspections currently being conducted, assign cost figures for all items of work and compare that data against available budgeted funds.

- The project will proceed based on the determination made on the availability of budgeted funds for the scope of the project.

Recommendation 12 – The Department should modify its forty-five day internal deadline to complete investigations.

Department Response: Agree.

- The time limit for completing most investigations has been changed to 120 days.
- The process allows for a request for extension of the 120 days in cases where there are legitimate and well documented reasons, such as key witnesses being unavailable or when there is a concurrent criminal investigation pending on the same matter. The request for extension will be reviewed and a determination made by the current manager, or his designee, over the combined IA/CASIU units until the Professional Standards Division is established. At that time, the manager with responsibility for determining the appropriateness of extension requests may be adjusted for the division's new management structure.
- Any investigation which has not been completed within the 120-day will be documented in a monthly report which will be provided to the Chief Deputy.
- The temporary combined case tracking system that has been developed for the IA/CASIU cases will monitor the progression of the units' investigative cases and will ensure that the reports are completed within the established time frame, or if there is a well documented reason for an extension. This temporary tracking system will be utilized until a Departmentwide system for all investigations has been fully implemented.
- Except for the temporary combined case tracking system for the IA and CASIU cases, this recommendation has been implemented. The temporary case tracking system for IA/CASIU cases will be implemented by September 30, 2010.

Recommendation 13 – The Department should closely review the bottlenecks identified in this report and take measures to assure complete and expeditious processing of internal affairs investigations.

Department Response: Agree.

- Bottlenecks have been identified on both the front and back ends of the internal investigation process within the IA unit. The front end bottleneck, which consisted of failing to assign cases in a timely manner, was addressed by assigning a dedicated supervisor to screen all new cases and assign them within five business days of receipt in the IA/CASIU unit.

This section of the recommendation has been implemented.

- The back end bottleneck was the result of having only one IA supervisor to review investigations. Under the new Professional Standards Division structure there will be additional supervisory staff reviewing cases, thus substantially reducing the timeframe to finalize the investigation.

This section of the recommendation will be completed upon the establishment of the Professional Standards Division. As an interim measure in addressing the timeliness of completing investigations, the additional supervisor referred to in Recommendation 4 above is assisting in the review of investigations.

Recommendation 14 – The Department shall establish a policy of addressing which personnel can “initiate investigations”.

Department Response: Agree.

- The Professional Standards Division will be tasked with the development of a written statement defining who in the department is authorized to initiate an investigation of the allegation of an act, omission, or other misconduct as stated in California Government Code section 3304(d)(1)
- The Professional Standards Division will also develop processes and procedures consistent with the definition to accurately document and track the POBR dates, and will train the supervisory and management staff so when an incident has occurred proper document and reporting procedures are adhered to.
- This recommendation will be implemented within 30 days of establishment of the Professional Standards Division.

Recommendation 15 – Where subjects are high ranking personnel, the Department should develop more specific guidelines regarding which unit should handle investigations.

Department Response: Agree.

- The Department has enacted a policy in which all investigations of staff at the level of Bureau Chief and above, as well as investigations involving employees holding sensitive positions such as those in the Internal Investigations Office, Performance Management Office or certain Human Resources positions shall be referred for investigation to Auditor-Controller and/or County Department of Human Resources investigators, or other County investigative units.
- This recommendation has been implemented.

Recommendation 16 – Establish policy that IA managers are not to assign themselves investigations.

Department Response: Agree.

- Managers within IA/CASIU will no longer assign cases to themselves so that the managers' roles will be limited to overseeing operations and not be performing staff work. Supervisors may assist with investigations, or in certain instances act as the lead investigator on complex cases or where there are sensitive issues involved requiring a higher level investigator.
- This recommendation has been implemented.

Recommendation 17 – Establish policy that all potential witnesses be interviewed.

Department Response: Generally agree.

- To comply with existing policy, additional training for the IA/CASIU staff will be established that includes minimum standards for each investigation to ensure that a thorough investigation is conducted. One of those standards will be that all witnesses are identified and interviewed except in instances where an interview is deemed to be redundant or unnecessary or in cases where an abbreviated investigation is being conducted. Such instances shall be documented in the case file. Any investigations submitted for review to the supervisor that does not meet these standards will be referred back to the investigator for additional follow up and training. During this supervisory review, any determination to not interview all potential witnesses will be approved or sent back to the investigator for the interview(s) to be conducted.
- This recommendation will be implemented by October 30, 2010.

Recommendation 18 – Adopt an early resolution mechanism.

Department Response: Agree.

- The Department agrees that a limited number of some types of disciplinary cases will be appropriately subject to pre-investigation disposition. The Department will develop standards and policies to identify cases that are appropriate for pre-investigation disposition.
- The Department will work with OIR and County Counsel to finalize appropriate standards and policies, and to develop and implement appropriate processes and procedures and training of staff and managers. A planned timeline for the development of a pre-investigation disposition program will be created in

conjunction with OIR and County Counsel upon the establishment of the Professional Standards Division.

- The implementation of a pre-investigation disposition program will enable the Department to handle those investigations involving lower level disciplinary issues in a way that expedites resolution of cases, thereby reducing the timelines on investigators' caseloads, and allowing the imposition of any appropriate disciplinary actions in a more timely manner. It will also allow resources to be freed up to handle the more egregious cases of misconduct, thus reducing the timeframe from the inception for the investigation to issuing discipline for all substantiated allegations.
- Additionally, the Department has had preliminary discussions and presentations from the Los Angeles County Sheriff's Department (LASD) on adopting their Education-Based Discipline (EBD) Program. The Department will continue the process currently under way to develop and implement an EBD Program in the Probation Department, and will continue to work with LASD on this effort.
- The Department will work with LASD on the development of an EBD Program for the Probation Department, and will include development of a timeline for implementation of the program.

Recommendation 19 – Devise a more effective and substantive screening mechanism for requests for initiation of investigations.

Department Response: Agree.

- A standardized screening tool and guidelines will be developed to help guide the assignment supervisor assessing the cases and making decisions on which cases will be handled by the investigative units and which cases will be referred to the bureaus. Each decision will be on a case-by-case basis and basic guidelines will be established for the screening process.
- The screening tool and guidelines will be developed and implemented by November 15, 2010.

Recommendation 20 – Develop policy and training on how to handle requests for anonymity.

Department Response: Agree.

- The new management for the Professional Standards Division will be tasked with creating new processes and procedures for the division. Guidelines and any new policy needed to address this recommendation will be included in the new processes and procedures established for the division.

Recommendation 21 – Number sequentially all complaints received.

Department Response: Agree.

- The complaints received in IA/CASIU are now tracked utilizing a sequentially numbered log.

Recommendation 22 – We recommend that the Department require centralize tracking of unit level (Bureau) disciplinary investigations.

Department Response: Agree.

- With development and implementation of a new Departmentwide system to track all Departmental investigations, regardless of the investigating unit, investigations being handled by bureaus will be incorporated into the database and tracked by the Professional Standards Division.
- In order for Bureau level investigations to be centrally tracked, additional resources and staff will be needed. This need will be evaluated and included as part of the recommended structure for a new Professional Standards Division.
- The Department is unable to implement this recommendation at this time due to limited resources and system functionality. This recommendation will be implemented upon receipt of the resources to develop the permanent unified case tracking system and the staffing to handle the new workload associated with centralized tracking of all Departmental investigations.

Recommendation 23 – Develop and enforce internal guidelines that impose reasonable limits on the period between when an employee is notified of the Department's intent to discipline and when the Department actually imposes discipline.

Department Response: Agree.

- The Department is in the process of reviewing its current processes and timeframes for all disciplinary actions taken once allegation(s) are sustained to the imposition of any discipline. The new process will define and address the handling of valid requests for extension but those requests will be granted only where there is a clear and valid reason for such an extension.
- The Department has been working with DHR to expedite the processing of substantiated cases turned over to the Performance Management (PM) Unit for determination and imposition of appropriate discipline, and to develop processes, procedures and timelines that can be met by the manager and staff assigned to this unit.

- The Department is currently in the process of evaluating the structure and allocation of positions within this unit. Responsibility for advocacy on behalf of the Department has been removed from this unit and outsourced through County Counsel and Department of Human Resources as of August 1, 2010, allowing for a more focused effort by the PM staff on the front end of the disciplinary process after allegations have been substantiated through the investigative process.
- The Department will continue to work with DHR and CEO to develop a recommendation for an appropriate structure for the PM Unit within the new Professional Standards Division, and will develop new processes and procedures with appropriate timelines for the imposition of appropriate disciplinary action within the new structure.
- With the reassignment of advocacy functions from the PM Unit, new processes and procedures with applicable timelines will be developed, finalized and implemented in collaboration with DHR by November 1, 2010.

Recommendation 24 – Implement a system to provide timely feedback from Performance Management to the investigative units.

Department Response: Agree.

- See Response to Recommendation 3.

Recommendation 25 – Export investigation information to the proper Department stakeholders.

Department Response: Agree.

- See response to Recommendation 3.
- The Professional Standards Division will:
 - Identify Departmental stakeholders,
 - Identify the type of information that should be provided to the stakeholders, including information that may require a review of existing or needed policy and procedures.
- This recommendation will be implemented within 90 days of the establishment of the Professional Standards Division.

Recommendation 26 – Require and facilitate creation of a disposition memo by a decision-maker for every case that results in discipline.

Department Response: Agree.

- Probation will work with County Counsel, DHR, and OIR to determine the appropriateness of such a document, and to create the appropriate format to capture and document the identified appropriate information.
- A decision on the appropriateness of such documentation will be made by November 30, 2010.

Recommendation 27 – Discipline alternatives.

Department Response: Agree.

- In line with Recommendation 18, the Department will utilize Education-Based Discipline (EBD) in an attempt to modify and correct improper behavior, and offer training in lieu of suspension. Additionally, the Department will seek to develop and implement other types of alternatives for low level misconduct, including training or counseling, in order to focus internal investigation resources on the most egregious cases. In cases where this form of discipline is indicated, the investigation process can be modified or halted with the offer of EBD, or similar alternatives, if accepted by the subject.
- This recommendation will be implemented upon the development of an EBD Program for the Probation Department, and after having met with the labor unions representing the employees of the Department (see response to Recommendation 18).

Recommendation 28 – Require accurate, detailed case logs in Performance Management.

Department Response: Agree.

- Upon establishment of the Professional Standards Division management, the current case log form will be evaluated for its continued use or replacement by another case tracking method. If the case log is retained, it will be reviewed for revisions needed to ensure a more detailed tracking of the case handling and that it will be consistent with newly implemented processes, procedures and timelines implemented in the division.
- As an interim measure, the current Performance Management System (PMS) is in the process of having revisions made to more accurately track and record details of the case handling.

Recommendation 29 – Implement a “round table” case evaluation and discipline decision-making process for significant cases.

Department Response: Agree.

- Upon establishment of the Professional Standards Division, any intended discipline of 30-day suspension or discharge will have a round-table meeting of the Chief Probation Officer or his designee, the Professional Standards Division Manager, the case investigator, and the Bureau level manager who is the decision maker on the case. This new process is intended to ensure consistency and transparency in the decision making process.
- This recommendation will be implemented within 60 days of establishment of the Professional Standards Division.

Recommendation 30 – Track “Arrest Desk” cases.

Department Response: Agree.

- Arrest Desk duties and staff will be moved to the Internal Investigations Office and cases will be temporarily tracked within the IA/CASIU centralized case tracking system.
- An IA/CASIU supervisor will have responsibility to review all arrests and make a determination if the case should proceed with an internal investigation or be held in abeyance pending resolution of any criminal matters. *Note: In addition to investigation into the alleged criminal incident, the IA/CASIU supervisor will determine if an investigation should proceed on potential Probation policy violations.*
- The IA/CASIU supervisor will immediately notify the employee's bureau, and will make a joint determination of the appropriateness of an employee's current job assignment based on the charges alleged and pending resolution of the alleged criminal matter.
- The arrests will be tracked by IA/CASIU to criminal disposition and completion of any appropriate and timely investigation by the Probation Department.
- This recommendation will be implemented by October 30, 2010.

Recommendation 31 – Department leadership should express and reiterate a clear commitment to consistent and professional internal investigations.

Department Response: Agree.

- With the establishment of the new Professional Standards Division and the actions outlined above to many of the recommendations, the Department's executive leadership is and will continue to actively demonstrate and communicate to line staff and managers its commitment to consistent, thorough, accurate, timely and professional internal investigations.
- Executive Management will continue to monitor and take whatever actions are necessary in this area to ensure the goals for its internal investigations are met.

Recommendation 32 – Department leadership should foster an ethic of responsibility.

Department Response: Agree.

- The new Probation Executive Management team expects all employees, including all levels of management to model professional and high standards of ethical behavior. Probation employees, in particular sworn staff, will be held accountable for appropriate conduct, on and off duty. Ethical behavior will be strongly emphasized to all newly-hired staff.
- Executive management has taken advantage of all opportunities to communicate this expectation to its employees and will continue to promote this message throughout the Department in the future.

Recommendation 33 – The Department should find ways to provide increased transparency regarding its handling of allegations of misconduct, disciplinary decision making and systemic issues.

Department Response: Agree.

- In addition to the development of the Professional Standards Division and the round-table review process that will be used for cases with substantial discipline being proposed, the Department will develop a periodic report that provides statistics regarding discipline and the outcomes of investigations and the imposed discipline. This report will be produced as a public document.
- This recommendation will be implemented in line with the establishment of the Professional Standards Division and the response to Recommendation 25.

Recommendation 34 – The Department should seek permanent on site independent review.

Department Response: Agree.

- This recommendation will be implemented effective October 1, 2010 through contracted services with Office of Independent Review.

CONCLUSION

The Department generally accepts the findings of the OIR and has every intention of taking full advantage of the valuable information this document provides. The changes recommended in this document, along with other operational changes, some of which are already underway, will allow the Department to again become one of the finest Probation Departments in the nation. We look forward to working with the Board, the CEO, other County Departments who have generously agreed to provide assistance and our various County partners on implementing these changes.



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

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September 17, 2010

To: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

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Fourth District

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Fifth District

REPORT ON OPTIONS TO REFORM THE COUNTY PENSION SYSTEM

At the Board of Supervisors meeting held June 29, 2010, during the discussion of Agenda Item No. 70, Supervisor Antonovich requested the Chief Executive Office report back on ways of reforming the County pension system to reduce costs, and provide a projection of how many County employees, who are active participants in Los Angeles County pension plans "A", "B" and "C", will be retiring in the next five years. This memo addresses both requests.

Los Angeles County Pension System

Over 30 years ago, Los Angeles County began reforming its pension system to maintain a financially stable retirement program. In the seventies, the County had two retirement plans with enhanced benefits: Safety Plan A and General Plan A. Over the years, in an effort to bring financial stability to the retirement system, the County closed these and other plans to new employees. Currently, Los Angeles County has three retirement plans open to new employees: Safety Plan B and General Plans D and E.

The County's retirement plans are administered by the Los Angeles County Employees Retirement Association (LACERA).

Los Angeles County Employees Retirement Association

LACERA is the largest county retirement system in the United States with assets over \$40 billion. LACERA has over 157,000 members, including more than 53,000 retirees, and has been providing retirement benefits to retired County employees for over 70 years.

Most governmental entities in the State offer a retirement for safety members of "three percent at 50" benefit which provides a retiree beginning at age 50 an annual pension of three percent of their highest annual salary multiplied by the number of years served. Los Angeles County has a "two percent at 50" formula for its safety members.

The County retirement benefits for non-safety employees also offer modest pension benefits. General members in LACERA Plan D earn a "two percent at 61" benefit, while employees in Plan E earn a "two percent at 65" benefit. In comparison to other governmental agencies in the State, the County's general member plans offer very modest pension benefits.

Pension Roll-Backs at the State

Recently, the State reached agreements with six of its unions representing approximately 37,000 employees pursuing pension reform by rolling back pension benefits to 1999 levels. The unions reaching agreement with the State were:

- California Association of Highway Patrolmen
- California Association of Psychiatric Technicians
- Union of American Physicians and Dentists
- International Union of Operating Engineers
- California Department of Forestry Firefighters
- American Federation of State, County and Municipal Employees

Below is a brief description of the pension reform the State made with its unions.

Changed the Final Compensation Period from One-Year to Three-Years for New Employees

Final compensation is the highest average pay rate including any special compensation for a period of employment. Final compensation, years of service, and the retirement formula are used to determine the employee's retirement amount.

For new employees, the State increased the final compensation period from one year to three years.

Rolled Back Retirement Formulas Used to Calculate Pension Payments for New Employees

The State also rolled back the retirement formulas used to calculate pension payments by requiring new employees to work additional years to receive full benefits. For some safety classifications the retirement formula was increased from "three percent at 50" years of age to "three percent at 55" years of age. For other general positions the benefit was increased from "two percent at 55" years of age to "two percent at 60" years of age.

Increased the Employee Retirement Contribution for Current and New Employees

The State negotiated an increase in the employee retirement contributions with the six unions from approximately five percent of salary to ten or eleven percent of salary for current and new employees. In the State's negotiation with its unions, the State also reduced or eliminated furlough days for employees and/or agreed to salary increases in 2012. The State is continuing negotiations with its remaining unions.

Los Angeles County Potential Pension Reforms to Reduce Costs

We have reviewed the pension roll-backs at the State and compared them to the County's current pension benefits. The following represents that comparison:

Change Final Compensation Period from One-Year to Three-Years for New Employees

The County provides defined pension benefits to its members based on age at retirement, year of service credit, and final compensation. For LACERA Safety Plan B and General Plan D, final compensation is the monthly average of a member's compensation during their highest year of service. Plan E is an employee non-contributory plan with a three year final compensation period.

In 2002, after negotiations with County unions, the County modified the final compensation period from three years to one year for Safety Plan B and General Plan D. The County could negotiate a return to three year or another final compensation period.

Basing final retirement compensation on the highest three years of wages, instead of the highest year for employees, reduces the incentive for employees to increase their salaries in the last year of work to increase their pension. If the final compensation period were changed for new employees, this reform could potentially save the County over \$100 million annually when this group of employees retires, and reduce the County's pension obligation by \$2.3 billion.

Increase Retirement Formulas Used to Calculate Pension Payments for New Employees

LACERA Safety Plan B and General Plan D allows County employees to retire at age 50 with at least 10 years of County service. General Plan E allows employees to retire at age 55 with at least 10 years of County service. The retirement formula for these plans is as follows:

<u>LACERA Retirement Plan</u>	<u>Age at Retirement</u>	<u>Retirement Benefit</u>
Safety Plan B	50	2.0%
General Plan D	61	2.0%
General Plan E	65	2.0%

As previously mentioned, the County's safety retirement formula of two percent at 50 is the lowest in the State since most other retirement plans offer a three percent at 50 benefit. The County General Plan D with a two percent at 61 years of age formula and General Plan E with a two percent at 65 years of age formula are also among the lowest general member retirement benefit plans in the State.

If a County employee retires at the earliest retirement age allowed by his retirement plan, the retirement percentage is actuarially reduced and provides limited pension benefits. Below is an example of a 25 year County employee who retires at the earliest retirement age in their respective plan.

<u>LACERA Retirement Plan</u>	<u>Earliest Retirement Age</u>	<u>Benefit Percentage with 25 Years of Service</u>
Safety Plan B	50	50.0%
General Plan D	50	29.6%
General Plan E	55	18.7%

A Safety Plan B member would receive a safety retirement of 50 percent of their salary at age 50. This same scenario for a General member in Plan D retiring at age 50 allows the member a retirement benefit of 29.6 percent of their salary and a General member in Plan E retiring at age 55 would receive an 18.7 percent benefit.

Increasing the minimum retirement ages for Safety Plan B, and General Plans D and E yields very little cost savings since these Plans already offer very modest retirement benefits at the minimum retirement age.

Increase Employee Retirement Contributions for Current and New Employees

To reduce costs, a number of governmental entities in California, including the State, have or are considering increasing employee retirement contributions. As described earlier, the County has two open employee contributory plans: Safety Plan B and General Plan D.

Except for a three percent negotiated subsidy in Safety Plan B, both plans require the County and employee to pay 50 percent of the cost of the plan, including 50 percent of the cost-of-living benefit. The Safety Plan B three percent subsidy requires the County to pay the first three percent of the cost of the plan and then the remainder of the cost is split between the County and employee.

Under State law, the County cannot require employees to pay more than 50 percent of the cost of Safety Plan B and General Plan D. The County could, however, negotiate a lower subsidy for Safety Plan B or could support change in State law.

If the County eliminated the Safety Plan B three percent subsidy for current employees, this reform could potentially save the County \$41 million a year now. If the subsidy were eliminated for new employees, this reform could potentially save the County over \$100 million annually when this group of employees retire from County service.

Other Options (Not in Comparison to the State)

Explore a "Cash Balance" Defined Benefit Plan for New and Existing Employees

A "Cash Balance" plan is a hybrid that encompasses the characteristics of a defined-benefit plan, such as LACERA, with a defined contribution plan, such as a 401(k) plan. Cash balance plans can provide retirement security for employees and fiscal stability for the employer.

Cash balance plans have two features. The employer contributes a percentage of an employee's salary into an account that belongs to the employee; however, unlike a defined contribution plan, the employer also guarantees a stated annual rate of return (such as five percent) for the employee.

Cash balance plans have advantages to the employee. Employees can change jobs and take their cash balance retirement plan with them. Also, the rate of return in the cash balance plan is guaranteed by the employer, so the employee does not bear the risk of stock market fluctuations. At retirement, employees can take the balance in their cash balance plan accounts as an annuity or choose a lump sum benefit.

For the employer, cash balance plans reduce the risk of pension underfunding. Many governmental pension plans in the State are underfunded and looking for cost saving measures to reduce these deficits.

Under a cash balance plan, the County would only be liable to make defined contributions to the plan and pay the guaranteed rate of return on each employee's cash balance account. Currently, only a limited number of governmental entities have implemented cash balance plans. Further analysis would be required to determine the feasibility of implementing such a plan in the County.

Summary

Cost savings can be achieved by modifying the final compensation period for Safety Plan B and General Plan D from a one year final compensation period to a three year or other final compensation period. Additionally, reducing the County's three percent subsidy for Safety Plan B to a lower percentage could also produce savings.

The County cannot increase employee contributions to Safety Plan B (excluding the three percent subsidy) and General Plan D since these plans already require the employee to contribute the maximum allowable by law. Increasing the retirement ages for Safety Plan B, and General Plans D and E would yield very minimal results since the benefit percentages are already low and retirement ages relatively high compared to other governmental retirement plans in the State.

Employees in Retirement Plans A, B, and C Expected to Retire in the Next Five Years

Currently, there are 2,421 active employees in Safety Plan A and in General Plans A, B, and C. Of those employees, 2,369 (97.9%) can retire now based on their age. In the next five years, we expect nearly all of the employees in those plans to retire since members in Plan A, B and C will have at least 38, 37, 36 years of service respectively. Presently, the average employee retires with 24 years of County service.

If you have any questions or need additional information, please have your staff contact James Adams at (213) 974-2406.

WTF:BC:
JA:WW:rld

c: Executive Officer, Board of Supervisors